

# **WISCONSIN LEGISLATIVE COUNCIL STAFF**

## ***RULES CLEARINGHOUSE***

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## **CLEARINGHOUSE RULE 00-041**

### **Comments**

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]**

#### **1. Statutory Authority**

Sections 45.351 (2) and 45.356, 1995 Stats., and s. 46.356, Stats., are all written in terms of lending a veteran no more than a specified amount of money. Section VA 12.02 (16) provides that married veterans are eligible to receive no more than \$20,000 in loans under the personal loan program and no more than \$30,000 in loans under the personal loan program and the old economic assistance loan program and veterans trust fund stabilization loan program. To the extent that a married couple could be within the monetary lending limits of the rule, but be in a situation in which one individual exceeds the statutory lending limits, it appears that the rule is without statutory authority. For example, under the rule, a wife could receive a \$17,000 loan under the personal loan program, while her husband receives a \$3,000 loan under the personal loan program. The husband and wife together would meet the provisions of s. VA 12.02 (16), but the wife’s loan would exceed the lending limit in s. 45.356, Stats. The rule provision needs to be rewritten.

#### **2. Form, Style and Placement in Administrative Code**

a. In SECTIONS 1, 2 and 3 of the rule, the text should precede with the full citation of the rule provision. For example, the text of SECTION 1 should begin with “VA 2.01 (2) (b) 15.”

b. Section VA 15.01 would be clearer if it read: “Wisconsin American Indian tribes and bands are defined as the following federally recognized tribes and bands in Wisconsin: the Bad River Band; . . . ; and the Stockbridge-Munsee Tribe.”

c. In s. VA 15.02 (1) and (2), notes should be added after these subsections indicating where the forms may be obtained (e.g., an address a person may write to or a telephone number a person may call to obtain the form). [See s. 1.09 (2), Manual.] In sub. (1), first sentence, for clarity, insert a comma after “claimed.” In the second sentence, “must” should be “shall.” The third sentence would be clearer if it was divided as follows: “Application shall be made annually. The tribe or band shall agree to meet minimum . . . .” In sub. (2), the first and last sentences are wordy and confusing and should be rewritten in the active voice. In sub. (3), first sentence, insert “.... [revisor inserts date]” after “the effective date of this chapter” and substitute “that chooses” for “which chooses.” Also, in the first sentence, the phrase “may be” should be replaced by the word “is.” In the second sentence, substitute “may” for “shall” and insert “under sub. (2)” after “report required.” In the last sentence of sub. (3), the phrase “shall not be” should be replaced by the phrase “is not.”

d. Section VA 15.02 (1) and (3) refer to minimum budget and operating standards established by the department. These standards, if known, either should be placed in the Wisconsin Administrative Code or appropriately cross-referenced so that the user of the code is informed about the standards.

e. In s. VA 15.03 (1), “Must” should be “Shall” and delete “gives such officer” and insert “shall give the officer.” Also, in the last clause, “such officer” should be “the officer.” Finally, the notation “Stats.,” should be inserted after the statutory cross-reference. Subsection (2) is too long and unwieldy.